



DOCKET NO: C01040.70010.US

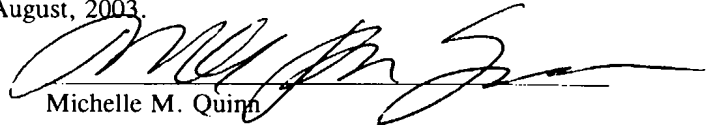
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heather L. Davis et al.
Serial No: 09/768,012
Confirmation No: 9273
Filed: January 22, 2001
For: IMMUNOSTIMULATORY NUCLEIC ACIDS FOR
INDUCING A TH2 IMMUNE RESPONSE
Examiner: D. Nguyen
Art Unit: 1632

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 5TH day of August, 2003.


Michelle M. Quinn

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

PART III: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

Docket Number	Serial Number	Filing Date	Inventor(s)
C01037.70021.US	09/949,194	9/7/01	Peterson et al.
C01037.70025.US	10/017,995	12/14/01	Bratzler
C01037.70041.US	TBD	7/3/03	Krieg
C01037.70042.US	TBD	7/3/03	Krieg
C01037.70043.US	TBD	7/3/03	Krieg
C01037.70044.US	TBD	7/3/03	Krieg
C01037.70045.US	TBD	7/3/03	Krieg
C01037.70046.US	TBD	6/5/03	Krieg
C01039.70053.US	09/931,583	8/16/01	Krieg et al.
C01039.70057.US	09/965,101	9/26/01	Davis et al.
C01039.70058.US	10/023,909	12/18/01	Davis et al.
C01039.70060.US	10/112,653	3/29/02	Krieg et al.
C01039.70061.US	10/161,229	6/3/02	Krieg et al.
C01039.70062.US	10/187,489	7/2/02	Krieg et al.
C01039.70063.US	10/224,523	8/19/02	Krieg et al.
C01039.70065.US	10/272,502	10/15/02	Krieg et al.
C01039.70067.US	10/300,247	11/20/02	Davis et al.
C01039.70068.US	10/306,522	11/27/02	Krieg et al.
C01039.70069.US	10/314,578	12/9/02	Krieg et al.
C01039.70070.US	10/382,822	3/6/03	Krieg et al.
C01039.70071.US	10/435,656	5/9/03	Krieg et al.
C01039.70072.US	10/434,696	5/9/03	Davis et al.
C01039.70075.US	TBD	7/3/03	Krieg et al.
C01039.70077.US	TBD	7/14/03	Krieg
C01039.70078.US	TBD	7/25/03	Krieg et al.
C01039.70079.US	TBD	7/25/03	Krieg et al.
C01039.70080.US	TBD	7/30/03	Krieg et al.
C01041.70016.US	09/954,987	9/17/01	Bauer et al.
C01041.70019.US	10/140,013	5/6/02	Schetter et al.
C01041.70029.US	10/212,133	8/1/02	Lipford et al.
C01041.70031.US	10/265,072	10/5/02	Lipford
C01041.70035.US	10/373,381	2/24/03	Wagner et al.
C01041.70037.US	10/407,952	4/4/03	Wagner et al.

PART IV: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART V: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

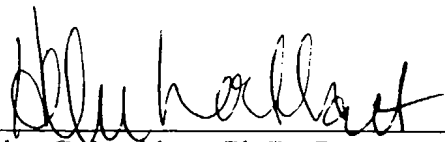
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Conf. No.: 9273

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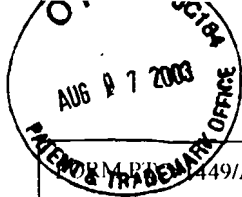
Art Unit: 1632

An early and favorable action is hereby requested.

Respectfully submitted,
Heather L. Davis et al., Applicants

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Docket No. C01040.70010.US
Date: August 5, 2003
XNDDX



INFORMATION DISCLOSURE STATEMENT BY APPLICANT	35 USC 112, 149/A and B (Modified)		APPLICATION NO.: 09/768,012	ATTY. DOCKET NO.: C01040.70010.US
			FILING DATE: January 22, 2001	CONFIRMATION NO.: 9273
			APPLICANT: Heather L. Davis et al.	
	Sheet 1 of 2		GROUP ART UNIT: 1632	EXAMINER: D. Nguyen

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U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A33	5,268,365		Rudolph et al.	12-07-1993
	A34	5,488,039		Masor et al.	01-30-1996
	A35	5,492,899		Masor et al.	02-20-1996
	A36	5,591,721		Agrawal et al.	01-07-1997
	A37	5,602,109		Masor et al.	02-11-1997
	A38	5,612,060		Alexander	03-18-1997
	A39	5,700,590		Masor et al.	12-23-1997
	A40	5,786,189		Locht et al.	07-28-1998
	A41	6,339,068		Davis et al.	01-15-2002
	A42	6,429,199		Krieg et al.	08-06-2002
	A43	6,406,705		Davis et al.	06-18-2002

FOREIGN PATENT DOCUMENTS

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		Office/ Country	Number	Kind Code			
	B47	WO	00/03683		Inex Pharmaceuticals Corporation	01-27-2000	
	B48	WO	99/55743		Inex Pharmaceuticals Corporation	11-04-1999	
	B49	WO	98/51278		Inex Pharmaceuticals Corporation	11-19-1998	

OTHER ART – NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C86	Agrawal, <i>Tibtech</i> , 14:376-387, 1996	
	C87	Bates et al., <i>J. Bio. Chem.</i> , 274(37):26369-26377, 1999	
	C88	Boggs, et al. <i>Antisense Nucleic Acid Drug Dev</i> , 7(5):461-471, 1997	
	C89	Carter et al., <i>Int. J. Immunopharmac.</i> , 13(1):69-76, 1991	
	C90	Chace et al., <i>Clinical Immunology and Immunopathology</i> , 68(3):327-332, 1993	

EXAMINER	DATE CONSIDERED
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FORM PTO-1449, Rev. 1-97, and B (Modified)		APPLICATION NO.: 09/768,012	ATTY. DOCKET NO.: C01040.70010.US
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		FILING DATE: January 22, 2001	CONFIRMATION NO.: 9273
		APPLICANT: Heather L. Davis et al.	
		GROUP ART UNIT: 1632	EXAMINER: D. Nguyen
Sheet	2	of	2

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C91	Daheshia et al., <i>Vaccine</i> , 16(11/12):1103-1110, 1998
C92	Diamanststein
C93	Ewel et al., <i>Cancer Res.</i> , 52(11):3005-3010, 1992
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C110	Kuramoto et al., <i>Microbiol. Immunol.</i> , 33(11)929-940, 1989
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C116	Mashiba, et al., <i>Jpn. J. Med. Sci. Biol.</i> , 41:197-202, 1988
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C124	Wiltrout, et al., <i>J. Biol. Resp. Mod.</i> , 4(5):512-7, 1985
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PCT/IB/2001/01449/A and B (Modified)

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ATTY. DOCKET NO.: C01040.70010.US

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CONFIRMATION NO.: 9273

APPLICANT: Heather L. Davis et al.

GROUP ART UNIT: 1632

EXAMINER: D. Hughes

Sheet 1 of 2

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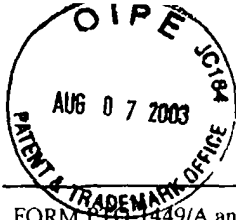
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